

UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF NEW YORK

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IN RE:

GREGG ROBERT HACKER,

Debtor.

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tmd3574/mrm

January 3, 2019

09:30 AM

Case No. 818-77092-AST

Hon. ALAN S. TRUST

**NOTICE OF MOTION**

PLEASE TAKE NOTICE, that upon the within application, Marianne DeRosa, Chapter 13 Trustee will move this court before the Hon. Alan S. Trust, U.S. Bankruptcy Judge, at the United States Bankruptcy Court, at 290 Federal Plaza, Room 963, Central Islip, New York, 11722, on January 3, 2019 at 09:30 AM or as soon thereafter as counsel can be heard, for an order pursuant to 11 U.S.C. 1307(c) dismissing this Chapter 13 case and for such other and further relief as may seem just and proper.

Responsive papers shall be filed with the bankruptcy court and served upon the Chapter 13 Trustee, Marianne DeRosa, Esq., no later than seven (7) business days prior to the hearing date set forth above. Any responsive papers shall be in conformity with the Federal Rules of Civil Procedure and indicate the entity submitting the response, the nature of the response and the basis of the response.

Date: Jericho, New York  
December 14, 2018

/s/ Marianne DeRosa  
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MARIANNE DeROSA, TRUSTEE  
125 JERICHO TURNPIKE; STE 105  
JERICHO, NY 11753  
(516) 622-1340

UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF NEW YORK

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IN RE:

Case No: 818-77092-AST

GREGG ROBERT HACKER,

Hon. ALAN S. TRUST

**APPLICATION**

Debtor.

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TO THE HONORABLE ALAN S. TRUST U.S. BANKRUPTCY JUDGE:

MARIANNE DEROSA, Chapter 13 Trustee in the above-captioned estate, respectfully represents the following:

1. The Debtor filed a petition under the provisions of 11 U.S.C. Chapter 13 on October 19, 2018, and, thereafter, MARIANNE DEROSA was duly appointed and qualified as Trustee.

2. The Debtor's proposed Chapter 13 Plan (hereinafter referred to as "the Plan") is dated October 23, 2018 and reflected on the Court's docket as number 11. The Plan provides for payments in the amount of \$7,557.63 per month for a period of 60 months.

3. The Trustee objects to the confirmation of the Plan because the Plan is not adequately funded to provide for full repayment to all secured creditors as required by 11 U.S.C § 1325(a)(5).

4. Furthermore, the Debtor has failed to:

a. commence making Chapter 13 Plan payments to the Trustee as required by 11 U.S.C. § 1326(a)(1); and

b. provide the Trustee with a copy of a federal income tax return or transcript for the most recent year, 7 days before first meeting of creditors pursuant to 11 U.S.C. §521(e)(2)(A)(i); and

c. provide the Trustee with disclosure documentation as required by E.D.N.Y LBR 2003-1; and

d. appear and be examined at the Section 341 Meeting of Creditors as required by 11 U.S.C. §343; and

e. serve the plan on the trustee and all creditors within 7 days of filing of the plan and file proof of service there of as required by E.D.N.Y. LBR 3015-1(a).

5. The Debtor's failure to provide these items impedes the Trustee's ability to administer this case and, therefore, is a default that is prejudicial to the rights of the creditors of the Debtor pursuant to 11 U.S.C. §1307(c)(1).

6. Each of the foregoing constitutes cause to dismiss this Chapter 13 case within meaning of 11 U.S.C. §1307(c).

WHEREFORE, the Chapter 13 Trustee respectfully requests that this Court enter an Order dismissing this Chapter 13 case and for such other and further relief as may seem just and proper.

Dated: Jericho, New York  
December 14, 2018

s/Marianne DeRosa  
Marianne DeRosa  
Chapter 13 Trustee

UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF NEW YORK

-----X Case No: 818-77092-AST

IN RE:

GREGG ROBERT HACKER,

CERTIFICATE OF SERVICE  
BY MAIL

Debtor.

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This is to certify that I, Matthew R. Matz, have this day served a true, accurate and correct copy of the within Notice of Motion and Application by depositing a true copy thereof enclosed in a post-paid wrapper, in an official depository under the exclusive care and custody of the U.S. Postal Service within New York State, addressed to each of the following persons at the last known address set forth after each name:

GREGG ROBERT HACKER  
3394 5th STREET  
OCEANSIDE, NY 11572

WELLS FARGO BANK, NA  
SHAPIRO, DICARO & BARAK, LLC  
175 MILE CROSSING BOULEVARD  
ROCHESTER, NY 14624

This December 14, 2018

/s/Matthew R. Matz  
Matthew R. Matz, Paralegal  
Office of the Standing Chapter 13 Trustee  
Marianne DeRosa, Esq.  
125 Jericho Turnpike; Suite 105  
Jericho, NY 11753  
(516) 622-1340

CASE NO: 818-77092-AST  
Hon. ALAN S. TRUST

UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF NEW YORK

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IN RE:

GREGG ROBERT HACKER,

Debtor.

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NOTICE OF MOTION AND APPLICATION TO DISMISS CASE

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MARIANNE DeROSA, TRUSTEE  
125 JERICO TURNPIKE; SUITE 105  
JERICO, NY 11753  
(516) 622-1340